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October 4, 2016

VIA ECF

Hon. Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Krieger v. Brooklyn Institute of Arts and Sciences*,
15 CV 6528 (WFK)(PK)

Dear Judge Kuo:

We write jointly on behalf of the parties to respectfully ask for an extension of time to complete fact discovery.

On August 8, 2016, the Court extended the discovery deadline to October 7, 2016, and directed the parties to file a joint letter certifying that discovery had been completed by October 11, 2016. During that conference, Plaintiff made clear that she was available for her deposition, and that she intended to take three depositions—Alisa Martin, Clarissa Delap, and Nancy Ramirez Currey (for whom Plaintiff served notices of deposition back in February 2016)—once Defendant took Plaintiff's deposition. Plaintiff's deposition has been scheduled for October 5, 2016, and Ramirez-Currey's for October 7, 2016.

On September 15, 2016, Defendant informed Plaintiff's counsel that neither Clarissa Delap or Alisa Martin are currently employed by the Museum. Defendant has since provided Plaintiff with Ms. Delap's and Ms. Martin's addresses, although Defendant has advised that his firm may represent Ms. Martin for the purposes of her deposition as she was employed by the Museum at the time of plaintiff's allegations.

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, on September 29, 2016, Plaintiff provided Defendant with a subpoena for Ms. Ramirez-Currey, however, Ms. Delap, according to Defendant, currently lives in Ireland. As such, Ms. Delap can only be served under the Hague Convention, which may take months to perfect, if ever. In the alternative, Plaintiff agreed to waive taking her deposition if Defendant agreed not to use a statement from her, or, to take her deposition by video after Defendant provides Plaintiff with her statement.¹ The parties have not yet resolved this issue.

Regardless of how the parties resolve the issue of obtaining Ms. Delap's testimony, the parties will need additional time to complete discovery and depositions. As such, the parties

¹ Ms. Delap's affidavit or declaration would be responsive to Plaintiff's Request for Production of Documents No.: 27.

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request a 60-day extension of time to complete fact discovery. If granted, discovery will conclude on December 12, 2016. The new discovery deadline will affect the date for the parties' joint letter, presently due by October 11, 2016, and the date to request a pre-motion conference to file a dispositive motion, presently due by October 21, 2016. The Court has extended discovery twice—from July 10, 2016 to September 7, 2016, and from September 7, 2016, to October 7, 2016—for Defendant to receive documents pursuant to authorizations for the release of Plaintiff's medical records.

Thank you for your time and attention to this matter.

Respectfully submitted:

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